

FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

CHA216

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

09/936582

INTERNATIONAL APPLICATION NO.

PCT/FR00/00618

INTERNATIONAL FILING DATE

15 MARCH 2000

PRIORITY DATE CLAIMED

15 MARCH 1999

TITLE OF INVENTION

DEVICE FOR INOSCULATION OF A HOLLOW ORGAN TO THE SKIN

APPLICANT(S) FOR DO/EO/US

THIERRY SCHEYE

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☒ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (SEE INSTRUCTIONS) 09/93658

INTERNATIONAL APPLICATION NO. PCT/FR00/00618

ATTORNEY'S DOCKET NUMBER

CHA 216

21. ☒ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

CALCULATIONS PTO USE ONLY

\$ 860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	7 - 20 =		x \$18.00	\$
Independent claims	/ - 3 =		x \$80.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 860.00

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$

**SUBTOTAL =**

\$ 430.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =**

\$ 430.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

**TOTAL FEES ENCLOSED =**

\$ 430.00

Amount to be refunded:

\$

charged:

\$

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0224. A duplicate copy of this sheet is enclosed.

d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Horst M. Kasper  
13 Forest Drive  
Warren, N.J. 07059

SIGNATURE

HORST M. KASPER

NAME

28,559

REGISTRATION NUMBER



09/936582  
533R PCT/PTO 13 SEP 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thierry Scheye  
Serial No: Art Unit:  
Filing Date:  
Title: DEVICE FOR INOSCULATION OF A HOLLOW ORGAN TO THE SKIN

PCT No.: PCT/FR00/00618 Filing Date: 15 March 2000  
Priority: No.: 99/03897 Filing Date: 15 March 1999 Country: France

September 13, 2001

Attorney's Docket No.: CHA216

**TRANSMITTAL LETTER**

Hon. Commissioner of Patents and Trademarks

**BOX PCT**

Washington, D.C. 20231

SIR:

Transmitted herewith for filing is:

<X> Form PTO-1390

<X> Copy of the PCT application No. PCT/FR00/00618 as published filed (13 pages of the specification and 1 drawing sheet)

<X> English Translation of PCT application No. PCT/FR00/00618 as filed (21 pages of the specification and 1 drawing sheet)

<X> Copy of International Preliminary Examination Report (5 pages)

<X> Preliminary Amendment dated September 13, 2001 (8 pages)

**Basic fee: \$860.00**

**TOTAL CLAIMS: 7 - 20 = X \$ 18.00 = \$**

**INDEPENDENT CLAIMS: 1 - 3 = X \$ 80.00 = \$**

<X> Applicant claims small entity status. The fees indicated above are reduced by 1/2

<X> Request to Accept Patent Application for Entering U.S. National Phase under 35 USC § 371

<X> Claim of Priority

<X> Form PTO-1449 <X> Copy of the International Search Report and references cited therein

<X> Fees in the amount of \$30.00 are to be charged to a credit card. Form PTO-2038 is enclosed

(X) The applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response to any Office Action outstanding in the above captioned matter as necessary to avoid abandonment of the application. Please charge my deposit account No.11-0224 in the amount required to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above account.

(X) The Commissioner is hereby authorized to charge any fees under 35 U.S.C. 1.16, and 1.17, after a mailing of a Notice of Allowance under 35 USC 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if

account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703)415-0579, who will pay immediately to avoid deprivation of rights.

( ) Please charge my Deposit Account No.11-0224 in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.


A signature or signatures required for the above recited document(s) is (are) provided herebelow. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above recited document(s).



Horst M. Kasper, 13 Forest Drive, Warren, N.J.07059  
Reg. No. 28,559 Tel.(908)526-1717

**Express Mail Certification:** I hereby certify that the correspondence attached hereto is being deposited with the USPS "Express Mail Post Office to Addressee" on the date indicated below and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231,

Deposit Date: 09/13/2001 "Express Mail Mailing Label No": TB417241319US

Signature:  Date: 09/13/2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thierry Scheye  
Serial No: Art Unit:  
Filing Date:  
Title: DEVICE FOR INOSCULATION OF A HOLLOW ORGAN TO THE SKIN

PCT No.: PCT/FR00/00618 Filing Date: 15 March 2000  
Priority: No.: 99/03897 Filing Date: 15 March 1999 Country: France

September 13, 2001

Attorney's Docket No.: CHA216

**REQUEST TO ACCEPT PATENT APPLICATION FOR ENTERING  
UNITED STATES NATIONAL PHASE UNDER 35 USC §371**

Hon. Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

SIR:

A patent application related to the above identified application was filed on 15 March 2000 under the PCT Treaty under the docket number PCT/FR00/00618.

An English translation of the originally filed PCT application PCT/FR00/00618 is enclosed with this filing.

It is respectfully requested that the present application be treated as an application filed under the Section 35 U.S.C. § 371 for transferring a PCT application PCT/FR00/00618, naming the United States, into the national phase and that the present application be granted any and all benefits and in particular those benefits relating to a priority recognition of prior filings under jurisdiction of treaty members and available under the Patent Cooperation Treaty (Washington Treaty), the Paris Convention Treaty, and under the United States Code based on the filing under the Patent Cooperation Treaty of PCT application PCT/FR00/00618.

If there should be any problems in granting the benefits available under the Patent Cooperation Treaty and/or 35 USC §371 based on such items as incompleteness of application, excessive time delays or defective application papers, then it is alternatively respectfully requested that prior to the expiration through abandonment of a filing under 35 USC §371 and under charging the required fees from deposit account, the present application be treated as an application and/or continuation application filed at a time required under any one of the sections 35 U.S.C. §111, 35 U.S.C. §363, and/or 35 U.S.C. §365(c) as applicable and that the present application be treated as a continuation or continuation-in-part application of the PCT application PCT/FR00/00618.

Recognition of PCT national phase status or, respectively, continuation or continuation-in-part status under the PCT Treaty and/or of the claimed priority date of 15 March 1999 is respectfully requested for the patent application documents in the above captioned matter.

Respectfully submitted,

Thierry Scheye

By: \_\_\_\_\_



Horst M. Kasper, his attorney,  
13 Forest Drive, Warren, N.J. 07059  
Tel.: (908) 526-1717 Fax: (908) 526-6977  
Reg. No. 28,559; Docket No.: CHA216

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JC12 Rec'd PCT/PTO 13 SEP 2001  
09/926582

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thierry Scheye

Serial No:

Art Unit:

Filing Date:

Title: DEVICE FOR INOSCULATION OF A HOLLOW ORGAN TO THE SKIN

PCT No.: PCT/FR00/00618 Filing Date: 15 March 2000

Priority: No.: 99/03897 Filing Date: 15 March 1999 Country: France

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September 13, 2001

Attorney's Docket No.: CHA216

**CLAIM OF PRIORITY**

Hon. Commissioner of Patents and Trademarks

Box PCT

Washington, D.C. 20231

Sir:

Pursuant to Title 35, United States Code, Section 119 (1952), the undersigned hereby claims the benefit of the filing date of a prior foreign patent application forming a basis of the PCT application viz.:

Country: FRANCE


Application No.: 99/03897

Date of Filing: 15 March 1999

In support of this claim, a certified copy of the aforementioned foreign patent application is believed to have been submitted by the World Intellectual Property Organization and should have been received by the United States Patent and Trademark Office prior to the expiration of 20 months from the first priority date of the application.

Respectfully submitted,

Thierry Scheye

By:   
\_\_\_\_\_  
Horst M. Kasper, his attorney,  
13 Forest Drive, Warren, N.J. 07059  
Tel.: (908) 757-2839 Fax: (908) 668-5262  
Reg. No. 28559; Docket No.: CHA216

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